

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

CASE NO.: 2:24-cv-2457

STEVEN LAMONT MARKOS,

Plaintiff,

v.

GRIM PHILLY TWILIGHT TOURS
LIMITED,

Defendant.

**COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff STEVEN LAMONT MARKOS by and through his undersigned counsel, brings this Complaint against Defendant GRIM PHILLY TWILIGHT TOURS LIMITED for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff STEVEN LAMONT MARKOS (“Markos”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Markos' original copyrighted Work of authorship.

2. Markos owns and operates the website, National Park Planner, www.npplan.com. Markos started National Park Planner in 2014 to bring to the public first-hand coverage of the over 400 National Parks that make up America’s National Park System, including summaries of the park’s amenities and professional photographs of the terrain.

3. Defendant GRIM PHILLY TWILIGHT TOURS LIMITED (“GPTT”) is a sightseeing tour agency in Philadelphia, Pennsylvania. At all times relevant herein, GPTT

owned and operated the internet website located at the URL <https://www.grimphilly.com/> (the “Website”).

4. Markos alleges that Defendant copied Markos’s copyrighted Work from the internet in order to advertise, market and promote its business activities. GPTT committed the violations alleged in connection with Defendant's business for purposes of advertising and promoting sales to the public in the course and scope of the GPTT's business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Pennsylvania.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, GPTT engaged in infringement in this district, GPTT resides in this district, and GPTT is subject to personal jurisdiction in this district.

DEFENDANT

9. Grim Philly Twilight Tours Limited is a Pennsylvania Limited Liability Company, with its principal place of business at 523 Market St, Philadelphia, PA 18436, and can be served by serving The LLC at the same address.

THE COPYRIGHTED WORK AT ISSUE

10. In 2017, Markos created the photograph entitled “Independence-109,” which is shown below and referred to herein as the “Work”.



11. Markos registered the Work with the Register of Copyrights on July 05, 2017, and was assigned registration number VA 2-058-977. The Certificate of Registration is attached hereto as **Exhibit 1**.

12. Markos' Work is protected by copyright but was not otherwise confidential, proprietary, or trade secrets.

13. At all relevant times Markos was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY GPTT

14. GPTT has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, GPTT copied the Work.

~~16.~~ On or about July 26, 2022, Markos discovered the unauthorized use of his Work on TripAdvisor.com and evendo.com. The Work was used on informational posts on both websites promoting the tours given by GPTT in Philadelphia.

~~17.~~ GPTT copied Markos' copyrighted Work without Markos' permission.

~~18.~~ After GPTT copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of regular business activities.

~~19.~~ GPTT copied and distributed Markos' copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

~~20.~~ Markos' Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

~~21.~~ GPTT committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

~~22.~~ Markos never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.

~~23.~~ Markos notified GPTT of the allegations set forth herein on August 1, 2022 and August 29, 2022. To date, the parties have failed to resolve this matter.

COUNT I **COPYRIGHT INFRINGEMENT**

~~24.~~ Markos incorporates the allegations of paragraphs 1 through 23 of this Complaint as if fully set forth herein.

~~25.~~ Markos owns a valid copyright in the Work at issue in this case.

~~26.~~ Markos registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

27 GPTT copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Markos' authorization in violation of 17 U.S.C. § 501.

28. GPTT performed the acts alleged in the course and scope of its business activities.

29. Defendant's acts were willful.

30. Markos has been damaged.

31. The harm caused to Markos has been irreparable.

WHEREFORE, the Plaintiff STEVEN LAMONT MARKOS prays for judgment against the Defendant GRIM PHILLY TWILIGHT TOURS LIMITED that:

a. GPTT and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. GPTT be required to pay Markos his actual damages and Defendant's profits attributable to the infringement, or, at Markos' election, statutory damages, as provided in 17 U.S.C. § 504

c. Markos be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Markos be awarded pre- and post-judgment interest; and

e. Markos be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Markos hereby demands a trial by jury of all issues so triable.

Dated: May 22, 2024

Respectfully submitted,

/s/ Joseph A. Dunne
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